

COUNTY OF PLACER COMMUNITY DEVELOPMENT RESOURCE

Michael J Johnson, Agency Director

PLANNING SEVICES DIVISION

Paul Thompson Deputy Director of Planning

HEARING DATE: September 22, 2011

ITEM NO.: 1

TIME: 10:05 am

TO:

Placer County Planning Commission

FROM:

Development Review Committee

DATE:

September 8, 2011

SUBJECT:

SUBDIVISION MODIFICATION/VARIANCE (PSM 2011 0252)

ALPINE MEADOWS ESTATES SUBDIVISION UNIT NO. 11 - LEININGER GARAGE

CATEGORICAL EXEMPTION

COMMUNITY PLAN AREA: Alpine Meadows

GENERAL PLAN DESIGNATION: Single-Family Residential, 1 – 2.5 units/acre

ZONING: RS (Residential, Single-family)

APN: 095-460-021

STAFF PLANNER: Michael Wells, Supervising Planner

LOCATION: The project property is located at 1559 Klosters Court in the Alpine Meadows Estates

Unit 11 Subdivision, in the Alpine Meadows area.

APPLICANT: Don Fulda/Ward Young Architecture & Planning for Jerome and Cherrie Leininger

PROPOSAL:

The applicants request the approval of an amendment to the Alpine Meadows Estates Subdivision Unit No. 11 Final Map to modify the 20-foot front setback shown on Lot #4, and a Variance to the front setback requirement of 20 feet from front property line, to allow for a front setback of 10 feet to property line in order to permit the construction of a garage and entry feature at a new proposed residence.

CEQA COMPLIANCE:

The project is Categorically Exempt per Section 18.36.070 A(1) (Minor alterations in land use limitations of the Environmental Review Ordinance (CEQA Guidelines, Section 15305)

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Other appropriate public interest groups and citizens were sent copies of the public hearing notice, including the North Tahoe Regional Advisory Council Municipal Advisory Council. Copies of the project plans and application were transmitted to the Community Development Resource Agency Staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Special Districts for their review and comment.

EXISTING ZONING AND LAND USE:

Location	Zoning	Alpine Meadows Community Plan	Existing Conditions & Improvements
Site	RS (Residential Single-family)	Single-Family Residential, 1 – 2.5 units/acre	Undeveloped Parcel
North	RS (Residential Single-family)	Single-Family Residential, 1 – 2.5 units/acre	Residential
South	RS (Residential Single-family)	Single-Family Residential, 1 – 2.5 units/acre	Residential
East	RS (Residential Single-family)	Single-Family Residential, 1 – 2.5 units/acre	Residential
West	RS (Residential Single-family)	Single-Family Residential, 1 – 2.5 units/acre	Residential

BACKGROUND AND ANALYSIS:

The Leininger property is an undeveloped 10,080 square foot (0.23 acre) parcel located on the east side of Klosters Court, off of Juniper Mountain Road, in the Alpine Meadows area (Vicinity Map, Attachment B). The adjacent properties, and the properties across the street, have been developed with single-family residences. Staff visited the site on August 22 and found that the frontage portion of the property is steeply sloped with slopes between 30-40 percent; site slopes on the remaining area of the property are about 20 percent. Site vegetation consists of a 14-inch and a 19-inch Ponderosa pine in the northeast corner of the property, a 20-inch and 23-inch white fir and an 18-inch Ponderosa pine along the west property line. The remainder of the site consists of native grasses and small shrubs.

The Leiningers propose constructing a new residence and garage on their property. The new home will be situated in the central portion of the lot and the garage and entry feature will be located near Klosters Court and the north property line in order to provide ease of access, especially during winter months (Site Plan, Attachment C). The site plan shows that the proposed garage, and a portion of the proposed entry feature, are within the front setback for the parcel. The site plan also shows that there will be approximately 25 feet of parking area between the garage and the edge of pavement on Klosters Court.

The Final Map of the Alpine Meadows Estates Subdivision No. 11 was recorded with a 20-foot front setback, consisting of a 10-foot Multi-Purpose Easement (MPE) and a 10-foot Public Utility Easement (PUE) along the frontage of lots within the subdivision, as well as a 30-foot snow storage easement. The Leiningers are requesting that the Map be modified to allow for a 10-foot setback in order to allow for the construction of the proposed garage and entryway. As the Placer County Zoning Ordinance allows for garages to be constructed to the property line on properties where the average slope within the front setback area is greater than 20 percent, a Variance to setback standards is not required. However, this "automatic variance" does not apply to the proposed entryway. For this reason, the applicants are requesting a variance to reduce the 20-foot from property line front setback to 10 feet to allow for the construction of the entryway feature.

RECOMMENDATION:

The Development Review Committee (DRC) recommends the Planning Commission approve the applicants' request to amend the Final Map and approve a Variance to allow for a front property line setback of 10 feet for the garage and the entry feature. Subject to the following findings and attached recommended conditions of approval.

FINDINGS:

CEQA

1. The project is Categorically Exempt per Section 18.36.070 A(1) (Minor alterations in land use limitations of the Environmental Review Ordinance (CEQA Guidelines, Section 15305)

Map Modification

- 2. The proposed subdivision amendment, together with the provisions for its design and improvements, is consistent with the General Plan for the area, and with applicable County Zoning Ordinances.
- 3. The project is physically suitable for the type and proposed density of the existing development.
- 4. The project, with the recommended conditions, is compatible with the neighborhood.
- 5. The project's design and proposed improvements are not likely to cause substantial environmental damage or public health problems.

Variance

- 6. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
- 7. There do appear to be special circumstances applicable to the subject property including the size, shape and topography of the site, which would make the strict application of the Zoning Ordinance result in depriving the property of privileges enjoyed by other prepares in the vicinity under identical zoning classification.
- 8. The Variance does not authorize a use that is not otherwise allowed in the zoning district.
- 9. The granting of this Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
- 10. The Variance is consistent with the Alpine Meadows General Plan.
- 11. The Variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, consistent with sections 2 and 3 above.

Respectfully submitted,

MICHAEL WELLS
Supervising Planner

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ATTACHMENTS:

Attachment A - Recommended Conditions of Approval

Attachment B - Vicinity Map Attachment C - Site Plan

Michael J Johnson - Agency Director CC:

Paul Thompson – Deputy Planning Director Michael Wells - Supervising Planner

Sarah Gillmore - Engineering and Surveying Department

Justin Hansen - Environmental Health Services

Andy Fisher - Parks Department

Gerry Haas - Air Pollution

Scott Finley - County Counsel's Office Jerome and Cherrie Leninger – Applicant

Don Fulda/Ward Young Architecture and Planning (Applicant Engineer)

Subject/chrono files

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RECOMMENDED CONDITIONS OF APPROVAL – SUBDIVISION MODIFICATION - "ALPINE MEADOWS ESTATES UNIT 11 – LEININGER RESIDENCE" (PSM 20110252)

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

- 1. This modification approves a Variance and amendment to the Alpine Meadows Estates Unit #11 Final Map for Lot #4, to allow for a front property line setback of 10 feet for the garage and the entry feature.
- 2. The applicant shall obtain a Building Permit for the proposed construction.
- 3. Prior to Building Permit issuance, the applicant shall prepare and submit to the Planning Department an exhibit map for the Certificate of Variance to modify the building setback lines for this lot, as shown on the Map of Alpine Meadows Estates Unit #11 (Book J, Page 51), and to conform with the approval of this application.
- 4. The proposed garage shall be design so as to be architecturally compatible with the proposed residence on the site.
- 5. No living space is permitted within the portion of the structure that is proposed within the front setback unless otherwise approved as part of this application. Any windows of the proposed structure within the setback / snow storage easement and facing Kloster Court shall be tempered/wired safety glass or equivalent.
- 6. The face of the garage shall be a minimum of 20-feet from the edge of the pavement of the street.
- 7. Prior to Building Permit issuance, the applicant shall process an abandonment of the 10-foot wide Public Utility Easement (P.U.E.) along the property frontage and adjacent to the 10-foot wide Multi-Purpose Easement (M.P.E.).
- 8. Prior to Building Permit issuance, the applicant shall obtain from the Department of Public Works an Encroachment Permit for locating the proposed structure within the setback/snow storage easement and, if applicable, for doing any work with the County's right-

SEPTEMBER, 2011 PC

of-way. Said permit shall be in recordable form and hold Placer County harmless from any damage resulting to the structure.

- 9. The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the Alpine Meadows Estates Subdivision Unit #11/Leininger Residence. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.
- 10. This Final Map modification/Variance is approved for 24 months and shall expire on October 3, 2013, unless exercised by the construction of the garage.



